



# INDIANA STATE BOARD OF EDUCATION

## INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

April 1, 2015  
9:00 a.m. (EDT)

Indiana Government Center South  
Conference Room B  
302 West Washington Street  
Indianapolis, Indiana 46204

Board Members Present: Superintendent Glenda Ritz (Chair), Mr. Troy Albert, Mr. Dan Elsener (Secretary), Dr. David Freitas, Ms. Andrea Neal, Mrs. Sarah O'Brien, Dr. Brad Oliver, Mr. Tony Walker, and Mr. B.J. Watts.

Board Members Absent: Mr. Gordon Hendry and Ms. Cari Whicker.

### **I. CALL TO ORDER**

- Superintendent Ritz called the meeting to order, the pledge of allegiance was recited, and roll was called. The roll reflected all members present except Mr. Gordon Hendry and Ms. Cari Whicker.

### **II. APPROVAL OF AGENDA**

- Superintendent Ritz said there are changes that need to be made to the agenda: 1) the advanced placement report needs to be moved from the consent agenda to discussion, and 2) the ISTEP remediation and prevention remediation distribution from assessment should be moved up from discussion (originally within the assessment update) to action item H, and 3) the approval of the GQE remediation grant distribution needs to be moved up from discussion (within the assessment update) to action item I. The Board approved these changes by a vote of 9-0.

### **III. APPROVAL OF MINUTES**

- Upon motion and second, the Board approved the minutes from March 12, 2015 by a vote of 9-0.

### **IV. STATEMENT OF THE CHAIR**

- Superintendent Ritz commented that she was in Washington, D.C. recently with Mr. Hendry and Dr. Freitas for the Council of Chief of State School Officers conference. She said the conference was well organized and that she enjoyed her time there. Superintendent Ritz said one of the topics was a discussion regarding the waiver with federal education officials and that President Obama and Arne Duncan were present.

### **V. BOARD MEMBER COMMENTS AND REPORTS**

- Dr. Oliver acknowledged and thanked Ms. Thomas and her class at Tzouanakis Intermediate School for the time he spent with them. He said he had a great visit doing reading block.
- Mr. Albert commented that the school improvement plans are due in September. He asked the Department to determine if the deadline needs to be extended and if any other actions should be taken. Superintendent Ritz responded that the Department is currently in the process of looking into options.

### **VI. GENERAL PUBLIC COMMENT (public comments on specific agenda items are taken at the time each item is before the Board)**

- The first member of the public who signed up for public comment was Carole Craig, representing the Indianapolis NAACP. Ms. Craig commented that they are thrilled to see Arlington returned to IPS. Further, Ms. Craig said the NAACP advocates for equality for all students. She said they are concerned about the management companies that monitor charter schools. She said there are still failing charter schools and a failure to close the achievement gap. She said there are no consequences for authorizers that monitor failing charter schools. She said the NAACP is requesting more detailed study of the accountability of charter authorizers in Indiana.

- Tom Wheeler, Attorney for Data Recognition Corporation (“DRC”), addressed the Board next. Mr. Wheeler testified about his client's concerns over the procurement process that led to the awarding of the new ISTEP contract (Component 1) to Pearson. Although the RFP evaluation committee rated DRC highest in cost and quality, Pearson received the best overall score due to Indiana economic impact preferences. In a protest letter filed with the Department of Administration, Mr. Wheeler said, DRC alleges that Pearson used sub entities to "game the system" to qualify for maximum Buy Indiana points. Further, Mr. Wheeler contended, the Department of Administration communicated with Pearson after the "best and final offer" deadline of Feb. 26, allowing Pearson and only Pearson to make material changes in its bid document that were not submitted until March 5.

## VII. CONSENT AGENDA

### A. Advanced Placement Report

- This item was moved to discussion.

## VIII. NEW BUSINESS – ACTION

### A. Arlington SBOE Intervention-Arlington High School Student Achievement Scorecard<sup>1</sup>

- Superintendent Ritz invited a motion to approve IPS’s plan to transition Arlington; Dr. Freitas so moved and Mr. Watts seconded. Mr. Elsener commented that the Board is not washing its hands of this issue. He said IPS is now the operator of the school. Mr. Elsener added that the Board has the obligation to see this through and that he looked forward to seeing good performance so the school will be fully out from under the Board’s control in the future. Mr. Elsener clarified that the Board expects to see performance improve before Arlington will be removed from Board control.
- Upon inquiry, Superintendent Ritz added that the Board will be receiving quarterly reports regarding the performance of Arlington. The Board voted 9-0 to approve the IPS plan.

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<sup>1</sup> Additional information can be viewed at <http://www.in.gov/sboe/files/Arlington.pdf>.

*B. Emma Donnan SBOE Intervention – Amendment #2 – Between IDOE and Charter School USA<sup>2</sup>*

- Superintendent Ritz commented that in December there was a vote to extend the contract for two years, whereas this is a five year extension to allow IPS and CSUSA to do their innovation work, she said. She also commented that there are no metrics set yet.
- Dr. Oliver said there have been presentations to the Board so the metrics have been discussed. He said this is to address systemic concerns around turnover. Mr. Elsener added that there are metrics and that there will be accountability here. Mr. Watts moved to approve the amendment and Mr. Watts seconded the motion.
- Jon Hage, CEO of Charter Schools USA (“CSUSA”), addressed the Board. Mr. Hage stated that the purpose of the extension is to allow IPS and CSUSA to enter into a 1321 agreement to add grades K-6 in Emma Donnan. Mr. Hage said the additional time is for the seamless creation of the K-6. He also stated that the agreements will tie together. Dr. Lewis Ferebee, Superintendent of IPS, added that the 1321 agreement will be before the Board for approval as soon as possible.
- Dr. Ferebee stated that it will be important, from IPS’s perspective, to include language in the five year contract extension showing intent to transition the school back to IPS. The Board voted 9-0 to approve the amendment extending the Department (acting on behalf of the Board) and the CSUSA contract for five years.

*C. Indiana State Board of Education Resolution Regarding use of Emma Donnan Middle School Building<sup>3</sup>*

- Dr. Freitas moved to approve the resolution and Mr. Watts seconded the motion. The Board voted 9-0 to approve the resolution.

*D. Indiana State Board of Education Resolution Regarding the Validity of Indiana’s 2014 Assessment<sup>4</sup>*

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<sup>2</sup> The contract amendment can be viewed at

[http://www.in.gov/sboe/files/Emman\\_Donnan\\_Partnership\\_Contract\\_Draft\\_Amendment\\_2.pdf](http://www.in.gov/sboe/files/Emman_Donnan_Partnership_Contract_Draft_Amendment_2.pdf).

<sup>3</sup> The resolution can be viewed at

[http://www.in.gov/sboe/files/Use\\_of\\_Emma\\_Donnan\\_middle\\_school\\_building\\_Resolution.pdf](http://www.in.gov/sboe/files/Use_of_Emma_Donnan_middle_school_building_Resolution.pdf).

<sup>4</sup> The resolution can be viewed at [http://www.in.gov/sboe/files/ISTEP\\_2014-15\\_Validity\\_Study\\_Resolution.pdf](http://www.in.gov/sboe/files/ISTEP_2014-15_Validity_Study_Resolution.pdf).

- Dr. Freitas moved to approve the validity resolution and Ms. O'Brien seconded the motion. Dr. Oliver asked about the move to pencil/paper and what validity concerns may exist, if any, regarding online testing versus pencil/paper testing. Dr. Michelle Walker, Chief Assessment Officer at the Department, addressed the Board. Dr. Walker stated that the Department looks at capacity when determining whether to approve online testing. Dr. Walker said all districts that requested a transition from paper/pencil to online were given approval. She said there were four reasons districts were denied approval to transition from online to paper/pencil: 1) not having enough work stations, 3) school schedule, 4) schools that asked for paper/pencil without rationale, and 4) the corporations had the capability to offer online testing.
- Dr. Oliver asked about issues that occurred with the online stress test; Dr. Walker responded that the stress test is to put a lot of stress on the system. She stated that if there were issues at certain schools, the Department then assisted in resolving those issues. Dr. Walker added that if the issues could not be resolved then they ordered paper/pencil.
- Dr. Freitas expressed that it will be important to study the validity of both the online and the paper/pencil separately. Dr. Walker said validity is critical to any assessment. She stated that the Department will be conducting a comparability study in the late fall. She also said historical data has been built into the system.
- Ms. Roach commented that the validity study in the resolution is an independent validity study. She also stated that the information will be detailed and will go beyond just whether the test is valid or not.
- The Board voted 9-0 to approve the resolution.

*E. Indiana State Board of Education Resolution Regarding Indiana's 2015-16 Assessment<sup>5</sup>*

- Superintendent Ritz stated that before a motion on Ms. O'Brien's resolution she wanted to walk through some things with the Board. Regarding item 1 in the resolution, she said that there is no need for a pilot in the fall for grades 3 through 8 because they have all been piloted. Superintendent Ritz added that grades 9 and 10 could be piloted in the fall but that it is not recommended by the vendor in their

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<sup>5</sup> The memo and resolution can be found at [http://www.in.gov/sboe/files/Assemant\\_Resolution.pdf](http://www.in.gov/sboe/files/Assemant_Resolution.pdf).

proposal; the vendor recommends piloting occur in the spring. Dr. Walker stated that the vendor has a field test. She said items could be piloted in the fall but that there would be time constraints. Ms. Roach commented that until the results come back from the piloted items we do not know if there will be enough items for next year. Dr. Walker said there are enough items. Dr. Oliver commented that the reason for the piloting in the fall is to shorten the test in the spring.

- Ms. O'Brien clarified that her intent was not that there would automatically be pilot testing in the fall but if it is required for additional items it would occur in the fall. Superintendent Ritz commented that there has not been work with the vendor yet, and that this issue may need to be worked out later.
- Superintendent Ritz stated that the Department concurs with items 2, 3 and 5 of the resolution. Superintendent Ritz continued that the Department concurs with item 3 in the resolution, with the caveat that the full range of standards must be measured. She said declaring that now may not be the best way to go at this point. She continued that, with respect to item 6, summative grade 9 items for one year only can be used to build the vertical scale, but schools will not have real data on their students. She said they will have an artificial growth measure and growth could not be built. Superintendent Ritz added that, regarding eliminating the formative grade 9 assessment, the Department disagrees. She said if this is done schools will not have any information to inform instruction for the grade 9-10 college and career ready assessment. She also pointed out the formative assessment is optional now.
- Ms. O'Brien added that she felt like the Department was picking and choosing when the vertical scale can be an effective measure. Dr. Oliver commented that he was struggling with the word "artificial". He said that he rejects the idea that a full 9<sup>th</sup> grade test is required to get a vertical scale. He said the issue is limiting scope to what we actually need, while still having a vertical scale. Ms. Roach commented that there can still be a vertical scale without the grade 9 assessment, and that there can be real growth, not artificial growth, without the grade 9.
- Dr. Walker said the 9<sup>th</sup> grade test was something the Accountability System Review Panel was interested in in terms of growth. She also said waiting until grade 11 to identify students for measuring college and career readiness is a concern. Dr. Walker also stated that the cost savings of not giving a 9<sup>th</sup> grade assessment is minimal.
- Superintendent Ritz then continued with item 7. She stated that she proposed not giving a K2. She said if the Board determined that a K2 formative assessment should be offered, she had concerns because the vendor does not have a math formative assessment developed. Dr. Walker said the vendor would take the first year to

- develop the assessment. Dr. Oliver commented that less than two-thirds of the districts are using the mCLASS voluntary formative K2 assessment. He said it is a 4 million dollar price tag. Dr. Oliver asked if the assessment could still be offered at the state price. He expressed concern since these assessments have been offered as optional for a while in Indiana and he didn't want to see them eliminated.
- Dr. Walker stated that most districts have an assessment apart from mCLASS. She went on to say that she believes most or even all reading series' include tools for teachers to be able to ascertain if students are learning, especially regarding reading development skills. Dr. Walker said there are other ways to address these learning needs, and how districts address them is up to the districts.
  - Regarding item number 8, Superintendent Ritz said the Department strongly recommends a grade 3-10 ELA and math formative only; she said the recommendation is not to include science or social studies. Superintendent Ritz moved on to item 9; she stated that it is the goal of the Department that once the grade 10 assessment is in place there will not be a need for an additional test at grade 11. She said there should be a grade 10 test that can tell where students are and the areas where remediation is needed. Superintendent Ritz went on to say that at some point the Department hopes Accuplacer will not be needed.
  - Superintendent Ritz then discussed item 10 in the resolution. She stated that the Department concurs with this item but noted that the full range of standards must be measured.
  - Superintendent Ritz said the Department disagrees with item 11. She said the Board took a vote not to require the Algebra I assessment and that it was optional for students below grade 9. She said the Department has not even offered that to all schools to be able to bank those scores. Students will be taking the new grade 10 assessment, she added. Superintendent Ritz stated that students should have to show college and career readiness at grade 10.
  - Upon inquiry by Dr. Oliver, Ms. Roach informed the Board that this item pertains to students before this year who had passed the Algebra I in lower grades who were told that it would meet their GQE requirement. Dr. Walker responded that one of the concerns is that when these students reach grade 10 there is no motivation for the assessment. Dr. Walker added that college and career readiness needs to be measured. She said this is why the Board decided that the current 9<sup>th</sup> graders would be the last class for whom the Algebra I test would be the graduation test. Dr. Walker said this gave fair warning to all students younger than that. Dr. Walker also said this has been communicated to field already by the Department.

- Upon further discussion and then an inquiry by Superintendent Ritz, Dr. Walker said that Indiana has always offered the state rate for schools with the vendor that is adopted. She went to say that she was not sure if there could be a state rate for other tools out there. Dr. Walker said she believed that was outside of the process so she didn't think Indiana would be able to pay for that, but she wasn't sure if the rate could be made available.
- Ms. O'Brien stated that she had concerns about some of the dollar figures in the documents provided by the Department regarding the assessment. Superintendent Ritz responded that the estimates are strictly from the RFP. Ms. O'Brien stated that she believed there were additional reading items included in the RFP that could be removed to save test time. Dr. Walker responded that there is no fluff in the Pearson proposal. She said the standards include more reading items, which is why it looks like more reading items were included in the RFP. Ms. O'Brien asked if a reading score could be obtained for every grade with the new test. Dr. Walker said it was always possible to get a reading score on the ISTEP, but that teachers didn't want that score calculated. Superintendent Ritz said the Department would like a reading score in the ISTEP and not to have the IREAD-3, but that Indiana law does not allow that right now.
- Ms. O'Brien expressed that a concern she has with removing the IREAD-3 and using the ISTEP for a reading score is that if IREAD-3 is removed scores will not come back as quickly. That will mean schools will not be able to provide remediation and a test retake before grade 4, which helps eliminate students having to re-enter grade 3.
- Ms. Neal stated that she would vote no on any motion related to new student achievement tests pending answers to the serious questions raised by Mr. Wheeler during general comments. Ms. Neal said Mr. Wheeler had presented disturbing information about possible irregularities in the procurement process that led to Pearson's selection to develop the new ISTEP test. Dr. Oliver responded that it is important for the Board to provide guidance to the Department since conversations with the vendor will begin during the RFP appeals process.
- Mr. Walker said he cannot support item numbers 6, 8 and 11 in the resolution.
- Mr. Albert expressed concern about item number 11 in the resolution. He stated that the guidance has been given that the test is optional so the option is not available to all 9<sup>th</sup> grade students. He said it is a disadvantage to put that back on the table now and there is no way to change that at this point. Ms. Roach said the concern was about students prior to this year that were told it would count. Mr.

Albert responded that it would still be different that the information the Department put out.

- Ms. O'Brien recommended tabling items 7 and 11 in her resolution until the next meeting and moving forward with the remaining items. She moved to adopt her resolution, with the caveat that items 7 and 11 would be tabled until next meeting so staff can gather more information about options for this items. Mr. Watts seconded the motion and the Board voted 6-3 to carry the motion; Ms. Neal, Mr. Walker, and Superintendent Ritz voted no. The Board then took a short recess.

-- RECESS --

*F. Adult Charter High Schools A-F Accountability -Approval of Proposed Rule LSA Document # 14-508*<sup>6</sup>

- Superintendent Ritz moved to approve the proposed rule language and Mr. Watts seconded the motion. The Board voted 8-0 in favor of the motion (Ms. Neal had not yet returned from recess).

*G. Turnaround Funding for TSOs and Lead Partners*<sup>7</sup>

- Mr. Albert moved to approve the proposed funding for title I focus and priority schools and Mr. Watts seconded the motion. Teresa Brown, Assistant Superintendent of School Improvement, addressed the Board before the vote. Ms. Brown commented that simply giving all schools under intervention within each tier the same amount of money isn't necessarily meeting their needs. She stated that since the schools are on different trajectories the Department decided it was appropriate to have the Board allocate the funds (70% of available school improvement grant ("SIG") 1003(a) funds) for the schools that are in Board interventions.
- Dr. Oliver asked for more collaboration in this area. He stated that he felt denied the opportunity to discuss the issue of funding Board intervention schools in more

<sup>6</sup> The proposed rule language can be viewed at <http://www.in.gov/sboe/files/A-F-ADUL.PDF>.

<sup>7</sup> A Department memo can be viewed at [http://www.in.gov/sboe/files/20152016\\_1003a\\_Grant\\_Planning\\_Document\\_TB\\_\(2\).pdf](http://www.in.gov/sboe/files/20152016_1003a_Grant_Planning_Document_TB_(2).pdf) and a Department presentation can be viewed at [http://www.in.gov/sboe/files/SBOE\\_Turnaround\\_Slides.pdf](http://www.in.gov/sboe/files/SBOE_Turnaround_Slides.pdf).

- detail. Superintendent Ritz said in the past the Department has brought to the Board specific recommendations for each school. She said now they are bringing forth the pot of money for the Board to approve and allocate.
- Mr. Watts commented that he wanted to approve the 70%, and then bring back the process for the May 7 meeting for further review. Ms. O'Brien requested a formulated report regarding all the schools involved in the process and what the process can be to transition the schools out of intervention. Upon inquiry by Mr. Walker, Ms. Brown stated that with Arlington the Board could still choose to fund the school even though it is transitioning. Mr. Elsener said he agreed with Ms. O'Brien, and that these grants are to help the schools get out of intervention. Dr. Freitas asked about the other 30% of the funding and Department staff responded that those funds go to the remaining focus and priority schools not in intervention.
  - Dr. Freitas said that the entire pot of money should be reviewed by the entire Board. Ms. Brown responded that it is the Department's responsibility to distribute these funds to focus and priority schools because it is the state education agency for this federal funding. Dr. Freitas recommended that this go back to staff to review. Robert Guffin, Executive Director to the Board, commented that Board staff is in agreement that 70% is the right number for this year. He recommended that the Board approve the 70% and then direct staffs to work together and come back with recommendations regarding the process.
  - Dr. Oliver expressed that there should be more information provided to the Board concerning what the reasons are for the allocations. He said the Board needs to look at justifications for the 70%-30% allocations. Ms. Brown responded that the rationale was based on past practice. Ms. O'Brien added that in the future it would help if this issue was a discussion item first and then an action item at a later meeting.
  - The Board clarified that the original motion was to approve the 70% for SIG 1003(a) funds and then to bring back the issues of processes and roles at the next meeting. The Board voted 9-0 to carry the motion.

#### *H. ISTEP Remediation and Prevention Remediation Distribution*<sup>8</sup>

- Dr. Michelle Walker informed the Board that this is an annual process. She then explained the process for distribution of the funds. Superintendent Ritz moved to

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<sup>8</sup> Department materials can be viewed at [http://www.in.gov/sboe/files/Assesment\\_Update\\_4-1-15.pdf](http://www.in.gov/sboe/files/Assesment_Update_4-1-15.pdf).

approve the ISTEP remediation and prevention remediation distribution as provided in the Department materials and the motion was seconded.

- Dr. Oliver asked about where the \$3 million in total funding comes from. Dr. Walker responded that this amount comes from the testing and remediation budget, separate from the GQE remediation grant line item. Dr. Walker stated that the \$3 million is the amount that has been used in the past. The Board voted 9-0 to carry the motion approving the recommended distributions.

*I. GQE Remediation Grant Distribution*<sup>9</sup>

- Dr. Walker stated that this is for first time graduation qualifying exam (“GQE”) takers who failed the test. She commented that the Department has a recommended distribution provided in the materials to the Board. She added that the total amount is a line item in the budget that does not change. Dr. Freitas recommended having data available regarding whether the use of this money is effective. Dr. Walker responded that there is data available and the results are positive. Mr. Albert pointed out that there has been a significant reduction in graduation waivers which is an indicator of the effectiveness of these funds.
- Superintendent Ritz moved to approve the recommended GQE remediation grant distribution and Dr. Oliver seconded the motion. The Board voted 9-0 to carry the motion.

**IX. DISCUSSION AND REPORTS (discussion items B-F were given new letter designations different than the way they were in the agenda because of the addition of the advanced placement report item)**

*A. SBOE staff update*

- Staff did not have an update.

*B. Advanced Placement Report*<sup>10</sup>

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<sup>9</sup> The materials for this agenda item are included in the materials cited in footnote 8.

<sup>10</sup> The performance report can be viewed at [http://www.in.gov/sboe/files/2014\\_ANNUAL\\_INDIANA\\_ADVANCED\\_PLACEMENT\\_REPORT.pdf](http://www.in.gov/sboe/files/2014_ANNUAL_INDIANA_ADVANCED_PLACEMENT_REPORT.pdf).

- Dr. Freitas said he was impressed with information in the report. Specifically, the predictive data that students who take the advanced placement (“AP”) test in particular do well in college, he said. He then asked about the percentage of students who take an advanced placement class and do not pass it. Leslie Fatum, Assistant Director of College and Career Readiness at the Department, responded that the overall pass rate is just over 50%. Dr. Freitas asked what is being done to increase that number. Ms. Fatum responded that the percent of qualifying scores is going up. She said all students are doing better. Ms. Fatum said they are not seeing the growth they would like to see, especially among African-American students. She said they are looking into how to improve this.
- Dr. Freitas asked about students who earn AP credit in high school and bring it to the university. He asked if that has a positive effect on the amount of time these students spend at universities and colleges. Ms. Fatum said she could look into this information by consulting the Commission on Higher Education.
- Mr. Elsener commented that these issues should be linked to the strategic plan. He said he would like the spending of money to be driven by the strategic plan. Mr. Elsener said this will help ensure the spending of money is highly efficient, effective, and measurable.
- Ms. Neal commented that she would like to see raw numbers and percentage growth in all AP scoring levels. Ms. Fatum responded that she could provide this.

C. Update from Career Council Core 40 Subcommittee<sup>11</sup>

- Superintendent Ritz said the committee has done a side-by-side with the diplomas, and has completed working through the math course work and the flexibility in the coursework, which took quite a bit of time. She also said they are looking at having one Core 40 piece going forward.

D. Accountability Update<sup>12</sup>

- Dr. Walker spoke about the graduation audit and stated that more information about the accountability rule will be discussed at the next meeting. Mr. Albert stated that, with respect to students who leave the school, if they are still in the state

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<sup>11</sup> A memo can be viewed at [http://www.in.gov/sboe/files/Core\\_40\\_Update.pdf](http://www.in.gov/sboe/files/Core_40_Update.pdf).

<sup>12</sup> Information can be found at <http://www.in.gov/sboe/files/Accountability.pdf>.

schools should not have to provide documentation. Dr. Walker said the Department will look into the STN application center data to see if they could be validated without requiring additional information.

*E. Assessment update*

- This item was addressed in two parts previously in the meeting.

*F. NCLB Waiver Update<sup>13</sup>*

- Superintendent Ritz stated that materials had been provided to the Board and informed the Board that the waiver had been submitted. The Board had no questions.

*G. Strategic Planning Committee Update*

- There was no update.

**X. BOARD OPERATIONS**

- Board operations not discussed.

**XI. ADJOURNMENT**

- Upon motion and a second the Board moved 9-0 to adjourn.

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<sup>13</sup> The Department materials can be viewed at  
[http://www.in.gov/sboe/files/Indiana\\_Flexibility\\_Waiver\\_April\\_SBOE\\_Update.pdf](http://www.in.gov/sboe/files/Indiana_Flexibility_Waiver_April_SBOE_Update.pdf).